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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/867,922	05/30/2001	Christopher J. Stone	MOT-D2559	7550
24375	7590	08/02/2005		
VOLPE AND KOENIG, P.C. DEPT. MOT UNITED PLAZA, SUITE 1600 30 SOUTH 17TH STREET PHILADELPHIA, PA 19103			EXAMINER LAM, WAI YIP	
			ART UNIT 2614	PAPER NUMBER

DATE MAILED: 08/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/867,922

Applicant(s)

STONE, CHRISTOPHER J.

Examiner

Wai Lam

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12/23/2002
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claim 25 recites the limitation "... the operating control member enters the request over a wireless transmission path". There is insufficient antecedent basis for this limitation in the claim.

This is most likely a typographical error. Adjust "claim 23" to "claim 24" can overcome this rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 – 25 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,583,576 (Perlman et al.).

As to claim 1, Perlman et al. teaches a set-top terminal (Figure 1) for displaying a program guide comprising: a tuner for receiving information from a CATV provider relating to program/services, said information comprising a program guide (Column 3, lines 60 – 66, Column 4, lines 1 – 6, Column 5, lines 53 – 58), and a system processor coupled to said tuner for filtering the

information and outputting a program guide filtered according to the programs/services which the system processor is authorized to receive (Column 7, lines 16 – 43).

As to claim 2, see rejection of claim 1 and note that Perlman et al. also teaches an analog set-top terminal for receiving analog information said CATV provider relating to programs/services (Column 3, lines 63 – 67, column 4, lines 1 – 5, 22 - 25). Perlman et al. teaches that the set-top converters include tuning circuits that can be either analog or digital. This reads on the claimed analog set-top terminal.

As to claim 3, see rejection of claim 1 and note that Perlman et al. also teaches a digital set-top terminal for receiving one of analog or digital information from said CATV provider relating to programs/services (Column 3, lines 63 – 67, column 4, lines 1 – 15, 22 - 25). Perlman et al. teaches that the set-top converters include tuning circuits that can be either analog or digital. This reads on the claimed digital set-top terminal.

As to claim 4, see rejection of claim 1 and note that Perlman et al. also teaches a set-top terminal wherein said system processor filters said information in response to a request by a subscriber (Column 6, lines 24 – 30, 44 - 49). The system processor filters information in response to a request by IR 202 is equivalent to a request by the subscriber.

As to claim 5, see rejection of claims 1 and 4, and note that Perlman et al. also teaches a set-top terminal wherein the request is a selection of a channel containing filtered information (Column 6, lines 24 – 30).

As to claim 6, see rejections of claims 1 and 4, and note that Perlman et al. also teaches a set-top terminal wherein the request is entered by an operating control member (Column 5, lines 19 - 27).

As to claim 7, see rejections of claims 1, 4, and 6 and note that Perlman et al. also teaches a set-top terminal wherein the operating control member enters the request over a wireless transmission path (Column 5, lines 19 – 27).

As to claim 8, Perlman et al. teaches a method for displaying a program guide comprising the steps of: receiving information from a CATV provider relating to programs/services, said information including the program guide (Column 3, lines 60 – 66, Column 4, lines 1 – 6, Column 5, lines 53 – 58), filtering said information (Column 8, 12 – 80 in conjunction with Figure 2), outputting a program guide filtered according to the program/services which the system processor is authorized to receive (Column 8, lines 52 – 61).

As to claim 9, see rejection of claim 8 and note that Perlman et al. also teaches the method wherein said information further includes authorization data and service data (Column 8, lines 52 – 61). Perlman et al. teaches the use of authorization data in the form of a decryption code. Perlman et al. also teaches the use of service data in the form of rating data from the program guide.

As to claim 10, see rejection of claim 8 and 9 and note that Perlman et al. also teaches a method wherein authorization data and service data are compared to filter information (Column 8, lines 52 – 61). Perlman et al. teaches that the service data (rating data as discussed in rejection of claim 9) is compared to a predefined rating code that had been generated previously by the user of the television receiving apparatus (Column 6, lines 27 – 30). Perlman et al. also teaches a method using authorization data (decryption key as discussed in rejection of claim 9) to lock out specific channels (Column 8, lines 52 – 61). This reads on comparing the authorization data to a pre-defined key in order to filter information from a CATV provider.

As to claim 11, see rejection of claim 8 and note that Perlman et al. also teaches a method wherein the information is analog information (Column 3, lines 63 – 67, column 4, lines 1 – 15, 22 - 25). Perlman et al. teaches that the set-top converters include tuning circuits that can be either analog or digital. This reads on the claimed information as analog information.

As to claim 12, see rejection of claim 8 and note that Perlman et al. also teaches a method wherein said information is analog, digital, and both analog/digital information (Column 3, lines 63 – 67, column 4, lines 1 – 5, 22 - 25). Perlman et al. teaches that the set-top converters include tuning circuits that can be either analog or digital. This reads on the claimed information is analog, digital, and analog/digital information.

As to claim 13, see rejection of claim 8 and note that Perlman et al. also teaches a method further comprising the steps of requesting said program guide filtered according to the programs/services which the system processor is authorized to receive (Column 7, lines, 15 – 43, Column 8, lines 52 - 60).

As to claim 14, see rejection of claims 8 and 13 and note that Perlman et al. also teaches a method wherein the request is a selection of a channel (Column 6, lines 24 – 30).

As to claim 15, see rejection of claims 8 and 13 and note that Perlman et al. also teaches a method wherein the request is entered by an operating control member (Column 5, lines 19 – 27).

As to claim 16, see rejection of claims 8, 13, and 15 and note that Perlman et al. also teaches a method wherein the operating control member enters the request over a wireless transmission path (Column 5, 19 – 27).

As to claim 17, Perlman et al. teaches a set-top terminal for displaying a program guide arranged in one of a first mode and a second mode comprising: a tuner for receiving information from a CATV provider relating to program/services, said information comprising the program guide being arranged in the first mode (Column 3, lines 60 – 66, Column 4, lines 1 – 6, Column 5, lines 53 – 58, Column 6, lines 1- 10). Perlman et al. also teaches a system processor coupled to said tuner (Refer to Unit 204 in Figure 1) for filtering the information (Column 6, lines 50 – 54) and outputting a filtered program guide arranged in said second mode (Column 8, lines 52 – 61).

As to claim 18, see rejection of 17 and note that Perlman et al. also teaches a set-top terminal wherein the first mode includes all available programs/services available by the CATV provider (Column 5, line 67, column 6, lines 1 – 4).

As to claim 19, see rejection of claim 17 and note that Perlman et al. also teaches a set-top terminal wherein the second mode includes only program/services which the system processor is authorized to receive (Column 7, lines 15 – 43, column 8, lines 52 – 61).

As to claim 20, see rejection of claim 17 and note that Perlman et al. also teaches a set-top terminal wherein the set-top terminal is an analog set-top terminal for receiving analog information from said CATV provider relating to program/services (Column 3, lines 63 – 67, column 4, lines 1 – 15, 22 - 25). Perlman et al. teaches that the set-top converters include tuning circuits that can be either analog or digital. This reads on the claimed analog set-top terminal.

As to claim 21, see rejection of claim 17 and note that Perlman et al. also teaches a set-top terminal wherein the set-top terminal is a digital set-top terminal for receiving analog, digital, and both analog/digital information from said CATV provider relating to programs/services (Column 3, lines 63 – 67, column 4, lines 1 – 5, 22 - 25). Perlman et al. teaches that the set-top converters include tuning circuits that can be either analog or digital. This reads on the claimed set-top terminal as a digital set-top terminal.

As to claim 22, see rejection of claim 17 and note that Perlman et al. also teaches a set-top terminal wherein the system processor filters said information in response to a request by a subscriber (Column 6, lines 24 – 30, 44 - 49). The system processor filters information in response to a request by IR 202 is equivalent to a request by the subscriber.

As to claim 23, see rejections of claims 17 and 22 and note that Perlman et al. also teaches a method wherein the request is a selection of a channel containing filtered information (Column 6, lines 24 – 30).

As to claim 24, see rejection of claims 17 and 22 and note that Perlman et al. also teaches a method wherein the request is entered by an operating control member (Column 5, lines 19 – 27).

As to claim 25, see rejection of claims 17, 22, and 24 and note that Perlman et al. also teaches a method wherein the operating control member enters the request over a wireless transmission path (Column 5, 19 – 27).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 6,160,545 (Eyer et al.) teaches the use of an interactive program guide for television. U.S. Patent No. 6,505,348 (Knowles et al.) teaches a multiple interactive program guide system providing different television programming and different interactive program guides to several different users respectively. U.S. Patent

Art Unit: 2614

No. 5,657,072 (Artisides et al.) teaches an interactive entertainment network system and method for providing program listings during non-peak times.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wai Lam whose telephone number is (571) 272-2827.

The examiner can normally be reached on Monday - Friday 7:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jason Sakre
7-28-05